G. R. S. 59] GPB—15,000—22-7-14

GENERAL AND REVENUE SECRETARIAT.

1899-1900
~~191~~ .
(Dravvai)

File No. 182

Serial Nos.

Papers Filed.

*Month*_____

SUBJECT.

Passing orders on the construction of the temple of Sri Viraja Sampathkumaraswamy newly built by one Varadachar in the S his house in Lashkar Mohalla, Mysore City -

PREVIOUS REFERENCES. LATER REFERENCES.

Proceedings of the Government of His Highness the Maharaja of Mysore, (Muzarayi),—dated 6th June 1893.

READ :—

Docket No. D. 453, dated 21st November 1892, from the Deputy Commissioner of the Bangalore District, reporting upon the petition from Venkatachar and other residents of Channa patna, protesting against the construction of a new Masjid in the said town by one Syed Mohidin, a Mussalman merchant of the place.

READ ALSO :—

The following memorandum by the Muzarayi Superintendent, dated 28th March 1893, on the subject :—

About June 1892, one Syed Mohidin, a Mussalman merchant of Channapatna, began to construct at his own cost, a Masjid in close proximity of a main road in the fort of Channapatna. But on the representation of the Parpattegar of the Varadarajaswami Temple that the road was one through which the Temple processions accompanied by music are usually taken, the Deputy Amildar issued a notice on the 5th July 1892, to Syed Mohidin warning him not to proceed with the work until a special permission therefor has been obtained from the Deputy Commissioner. The work was accordingly stopped.

2. Upon this, there were petitions both from the Hindus and the Muhammadans to the Deputy Commissioner on the subject, who referred them all to the Sub-Division Officer, Closepet, for disposal, with the observation that there was no objection to the construction of the Mosque and that, if it were a new one, it could not have the privilege of stoppage of music before it. The Sub-Division Officer, after instituting an enquiry, passed the following order on the 23rd September 1892 :—

> "The Petitioner is building a new Masjid in the fort. The Deputy Amildar served on him a notice to stop the work, as there would be a clash when Hindu processions pass by it. The Government order that the new Masjids have no right to stop the playing of music passing in the street by the Masjid, has been duly communicated to the petitioner. Now he says that he has no wish that the playing of music should be stopped before the Masjid, which he is going to erect. The Deputy Commissioner's order on the petition, dated 14th July, has also been communicated to the petitioner. He may build the Masjid, but he will not be entitled to have music accompanying Hindu processions stopped before the Masjid."

3. The Sub-Division Officer submitted a further report on the subject to the Deputy Commissioner on the 16th October 1892, which runs thus :—

i. "This morning, I inspected the site at Channapatna fort, where a new Masjid is to be built. Foundations have been laid up for the building. It is situated in the main street where the car procession of the temple takes place, and amidst houses belonging to the Hindus."

ii. "At the time of my inspection, a few Muhammadans who were present on the site said that there was an old Masjid on the site and that they were entitled to the play of music being stopped in front of the new Masjid. This claim is altogether unfounded. The statement of Syed Mohidin who is erecting the Masjid is annexed for information. There had been an old Ashurkhana at the place and not a Masjid. At no time music had been stopped while passing by the Ashurkhana."

iii. "The Government order that the playing of music will not be stopped before the new Masjid in question has been duly communicated to the Hindus as well as the Muhammadans, as the Deputy Amildar reports by beat of Tom Tom and by written notices, but the Muhammadans appear to have refused the written notice. The refused notice with the Amildar's report is herewith submitted."

iv. "The erection of the building is allowed on the distinct understanding that the Muhammadans will not be entitled to interfere in any way with the temple processions passing by the new building. The Police will watch their future conduct and legal steps will be taken, if necessary."

4. The above order was concurred in by the Deputy Commissioner, Mr. Mir Shujayet Ali.

5. Meanwhile a petition was received in the Muzarayi Department of the Dewan's Office, from the merchants and others of Channapatna, representing that, if the construction of a new Masjid on a road used for Temple processions be permitted, much disturbance would ensue. This petition was referred to the Deputy Commissioner for report, and the construction of the Masjid was ordered to be stopped, pending final disposal of the question by the Government.

6. On the 25th instant I proceeded to Channapatna and inspected the locality. A sketch of the new Masjid is attached hereto for easy reference.

Proceedings of the Government of His Highness the Maharaja of Mysore, (Muzarayi),—dated 6th June 1893.

7 The new Masjid measures 30 × 25 feet and its walls have come up to 12 feet high. A small portion of the wood work of the roof has been fixed. The terracing has not been started as yet The Temple processions after leaving the Temple *C* proceed along the roads No 1 and 2 and then along road No. 3 where the new Masjid under construction is situated and return to the Temple by road No. 4. Seeing that the 4 streets indicated in the plan are particularly Hindu quarters the number of Hindu houses being 6 times more than Muhammadan ones, it would have been better if the construction of the Masjid had been at once stopped at the very commencement for want of special permission of the District Officer as required in the late Chief Commissioner's Circular No. 2528–72 dated 22nd August 1871 which clearly lays down,

> "that no buildings intended to be used as places of worship by any class of the community should be erected on any public street or thoroughfare in any town or village without the previous sanction of the District Officer in each case' and that "the old order forbidding the use of music by religious processions when passing to a place of worship of another persuasion, will not be held applicable in the case of any building of the nature under advertence, that may be hereafter erected in a public street or thoroughfare without due sanction'

8 But unfortunately the building has progressed to some extent and the owner or rather Syed Mohidin, who is erecting the Masjid *for the benefit of his community, must have already* spent on it 4 or 5 hundred rupees I would not therefore recommend its removal, but will impose upon him certain conditions, to which I would refer later on

9 Under the terms of the late Chief Commissioner's ruling above adverted to, the Muhammadan community cannot certainly claim the privilege of stoppage of music in front of the Masjid in question the same having been constructed subsequent to the date of the said ruling But in process of time it is possible the age of the Masjid may be contested and disputes of violent character may consequently arise, leading not improbably to acts endangering public tranquillity To prevent all such disputes in future among the two communities, I would propose that Syed Mohidin be called upon to comply with the following conditions before he can be allowed to proceed with the execution of the remaining work of the building —

> *Firstly*—A tablet showing the year of construction should be fixed in a conspicuous part of the Masjid so that the exact date of its construction may not be contested on any future occasion.
>
> *Secondly*—Its main entrance should be shifted from road No 3 to the lane connecting the main roads No 1 and 3 The Masjid, as now situated, fortunately faces east viz towards the lane There can therefore be no possible objection to the opening of the gateway also in the same direction. To be more clear the opening *F* on the main road No. 3 where a gateway is now intended to be set up, should be walled up and the main entrance opened either at *G* or *H* in the lane as may be found convenient If the latter place be preferred on the ground that it would be directly opposite to the Masjid, the Hindustani school *B* a small tiled building within the Masjid enclosure, may be removed to *J*

10 If the main entrance be opened towards the lane as now proposed, the question of stoppage of music when Hindu processions move along the main road No 3 will scarcely arise on any future occasion.

No 914—Muz F. 58 92, DAVID, BANGALORE, 6TH JUNE 1893.

ORDER THEREON —After consideration of all the circumstances connected with the construction of the Masjid, the Government are of opinion that, in according sanction therefor, the District Officer did not exercise a wise discretion. By the orders of the late Chief Commissioner's No. 2528—72, dated 22nd August 1871, the District Officer has the power to give sanction to the erection of a place of worship on any public street or thoroughfare, but it is his duty to exercise this power in such a way that at no future time could there arise any occasion for dispute and bad feeling between the various sections of the community. It is true that the permission given to build the Masjid in this case is upon the express condition that a procession of any other religion may continue to play music when passing in front of it This condition may come to be forgotten and its existence called in question at some future time, and there would then arise disputes and consequent unfriendly feelings between the Hindu and Muhammadan sections of the community. Supposing that the prescribed condition is never called in question but is always strictly enforced, the very fact that the condition exists and is enforced would be a source of constant irritation to the Muhammadan section. In matters of religion, people's feelings and sentiments are never guided by strict reason or any consideration of the rights and obligations involved. If a procession

belonging to a person or persons of one religion plays music before a place of worship belonging to another religion, the act is regarded by every one belonging to the latter religion as a wanton act of intentional disrespect to his religious feelings, and his anger will not be the less, because the act was done in exercise of an existing right. It is therefore most undesirable that the District Officer should ever create a right so obnoxious in itself and inimical to the growth and maintenance of friendly feelings between the various sections. The Government are sure that no enlightened member of any community whatsoever can feel any satisfaction in possessing a right, the exercise of which is necessarily attended with pain to the feelings of his neighbours.

2. Under such circumstances the Government have no hesitation in disapproving of the permission which has been given to the construction of the Masjid in question, but, as unfortunately the building has already considerably advanced, the Government think it undesirable to direct its removal to a more eligible place. It will be sufficient for all interests, if the gate be placed on the east so as to open into an existing side-street instead of on the south as now proposed to open into the main road on which, Temple and other Hindu processions usually pass. The Deputy Commissioner will immediately cause the alteration of gate as above. This alteration will cause no inconvenience whatever to any party and affords the best solution of the conflicting questions which have been raised. A plan showing the alteration above ordered will be forwarded to the Deputy Commissioner by the Muzarayi Superintendent.

A. SREENIVASSACHARLU,
Secretary.

To—The Deputy Commissioner, Bangalore District, returning the Vernacular correspondence.
The Deputy Commissioners of other Districts.

Exd.—K.S.

1893.

GOVERNMENT OF MYSORE.

MUZARAYI.

PROCEEDINGS.

Dated 6th June 1893.

No. 914.
Muz. F. 58-92.

Passing final orders in regard to the construction of a new Masjid at Channapatna.

Mysore Govt C Press, Bangalore—22 6-93.—120.

No. 9200-7—G. 2167, DATED, BANGALORE, 6TH DECEMBER 1894.

ORDER.—Proceedings No. 914—Muz. F 58-92, dated the 6th June 1893, contain the views of the Government in regard to the construction of new places of worship. The Government desire that the principles therein enunciated should be applied as far as possible to all new places of worship belonging to persons of any religious persuasion whatsoever.

T. ANANDA ROW,
Chief Secretary.

To—The Deputy Commissioners of Districts.
The Muzrai Secretary for information.

Exd.—A.S.

1894

GOVERNMENT OF MYSORE

GENERAL

PROCEEDINGS

Dated 6th December 1894.

No. 9200 7
G 2167

Ruling that the principles enu
in Proceedings No 914--Mu/ F
dated 6th June 1893, in regard
construction of new places of wor
applied to all new places of wors
ny religious persuasion whatsoever

M.G.C.P., B —7-12-94—150

OFFICE OF THE DEPUTY COMMISSIONER
RECEIVED
Date 21-3 1908
REG. No. 653
MUZRAI BRANCH

1894-1900

FROM The Commissioner
Mysore Dist.

To The Secretary to the
Govt of Mysore
Muzrai Dept

Dated 19th March 1908

Despatched

Received

General No. 129
No.

Enclosure No. one file

In reply to the
enclosed draft letter to the
Deputy Commissioner
Mysore in connection
with the
Chamundi Temple
Mysore

Submitted to
the Commissioner
for orders
as proposed
21/3/08

In reporting that
the Vaidyeshwara Linga
enshrined in the temple
which opens to the
road in the southern
direction in the Chamundi
Hill in Mysore
without obtaining the
necessary permission

Note by the Muzrai Secretary.

I lately inspected the temple.
The building is so constructed that the doorway on the Southern side which the Deputy Commissioner now proposes to close forms the main entrance to the temple. The closing of this main entrance will undoubtedly be a

great hardship But of course, the founder cannot claim the privilege of stoppage of music by processions & passing in front of it. In these circumstances I would recommend that the main entrance be allowed to stand as it is, and that the founder be called upon to put up in a conspicuous place, a stone slab with an inscription to the effect that no right will be claimed at any time to forbid the use of music by religious and other processions passing in front of the temple.

A Cunningham

This is a tentative suggestion may be acted upon

A.C.
30.1.00

Deputy Commissioner's
Office
Mysore District
Muzrai Department
Dated 19th March 1900.

To

The Secretary to the
Government of Mysore
Muzrai Department

Sir

Vardachar son of the late Assistant Commissioner Sreenevasiyengar owns a house bearing Municipal No. 951 — facing the public road, opposite the big clock tower in the Lushker Mohalla at Mysore. He applied

to the Vice President of the
Municipal Board Mysore
for license for erecting a temple
within the Compound of his house,
enclosing a plan of the building,
and obtained the license. On the
Completion of the building which
opened to the road, Varadachar
applied to the City Magistrate
of Mysore for a license to put
up a temporary pendal on the
road side before the new temple
and to have music &c played on
the occasion of installing the deity.

The City Magistrate
Called upon the City Police Officer
to ascertain whether the

applicant had obtained the permission of the Deputy Commissioner to build a temple on the side of a public road as under Government Proceedings No. 914 dated 6th June 1893, M.7.58-92 the District Officer only had the power to grant permission to erect a place of worship in any public street or thoroughfare. It was reported that no such permission had been obtained by Vardachar. The City Magistrate submitted the records to this office for orders. In the meantime the installation —

Ceremony is alleged to have taken place.

Vardachar was sent for and heard in person. He states that he got the temple erected within the Compound of his house for installing in it the idol of the founder of his religion, under the usual license obtained from the Vice President that he did not know that he should obtain the Deputy Commissioners permission for raising any religious building on his own grounds, that he Con-sidered the Vice Presidents license was sufficient, that he was not

responsible for any violation of the rules, as the building was raised under the authority of the Vice President. He further stated that the door of the temple opens to the main road, that the same building existed previously and that no alteration has been made. He adds that an inner room known as Garbha Gudi is all that is newly built, and that the present door way cannot be shifted to any other side of the building without serious inconvenience for light, as the position of the deity cannot now be changed as it has already

been formally installed; he alleges that he will take no objection to any caste-people going in procession before the temple with music &c that it was built purely with disinterested motives, and that the failure on his part to obtain the Deputy Commissioners permission to build was wholly due to ignorance of the rules existant, and that he may be pardoned for it

There would have been no objection to the erection of the temple if Vardachar had not opened a door way facing the road. The fact of his having,

waived all objection to the public going with music &c Cannot alter the State of things nor the plea of ignorance of the existing rules can be urged as an excuse.

Under these circumstances I would recommend that Vardachar be required to close the front door. Before taking further action I have considered it desirable to obtain the orders of the Government as the temple was constructed and allowed to stand

for nearly two years.

The Vernacular records
Connected with the case are
herewith submitted.

I have the honor to be
Sir
Your most obedient
Servant

Deputy Commissioner
Mysore District

Read:—

Letter No. 129, dated 19th March 1900, from the Dy Comr, Mysore District, regarding the temple of Sri Ettiraja Sampathkumaraswami, newly built by one Varadachar in the compound of his house in Lashkar mohalla, Mysore city.

Order thereon:— 78/44 00

No. 507. Encl file Ver. Sp. D/ 8th Nov 1900

From the letter read above and its enclosures, it is observed that the temple in question was built by Varadachar within the compound of his dwelling house, ~~on~~ under a license granted to him by the Municipality of Mysore city in December 1897; the consecration of the temple has been performed and worship is now being

conducted thereon.

2. The Dy Comr now ~~states~~ brings to the notice of Govt that under the late Chief Comr's Pro: No. 2528-72, dated 22nd August 1871, the power to grant permission for the erection of any place of worship vests in the District Officer, ie the Dy Comr, that in the particular case under adverteence the temple has been built with ~~his~~ such permission, ~~by the side of a public road without his permission, and that besides the~~ the main entrance facing ~~of the temple faces~~ the public road. In these circes, the Dy Comr states that he ~~intends calling~~ will call upon Varada Char to close the front door facing the public road; but before taking action in the matter, the Dy Comr ~~applies for~~ solicits orders of Govt in view of the fact

that the temple has been in existence for the past two years.

3. With reference to the above, the Govt observe that, under the late Chief Comr's Order of the 22nd Aug 1871, referred to above, the power to grant permission for the erection of a place of worship, no doubt, vests in the Dy Comr however, in this case, Varadachar has obtained the permission of the municipality, of which the Dy Comr is ~~also~~ the President. If therefore, the Dy Comr in his capacity of District Officer had any objection to the erection of the building by the side of a public road he ought to have taken steps to prevent ~~the~~ its construction at the very commencement of ~~the work~~. But now that the Temple Construction of the ~~building~~ Temple

~~building~~ building
~~temple~~ temple has been allowed to be completed
~~erected~~ without any question,
and worship therein is being regularly conducted
~~therein~~ for the past 2 years,
it will be a great hardship
if Varadachar should be
required as proposed by the Dy. C.
to close the main entrance
of the building ~~now~~, which
might necessitate ~~entail~~ a thorough
alteration of the present
~~structure~~.

4. In these circs the Govt
direct that the temple in
question be allowed to stand
as it is, and that in view to
prevent disputes in the future
in regard to the play of music
in front of the temple by
religious and other processions
passing along the public
road, the founder Varadachar
be now called upon to put
up in a conspicuous place
by the ~~said~~ side of the temple

a stone slab with a ~~Kanarese~~ in Kanarese
an inscription to the effect
that no right to forbid the in front of the temple by such processions
use of ~~such~~ music will
ever be claimed on behalf
of the temple, from Vasada Chari's
on ~~Statement~~ filed in the Ver
records, it is observed that
he ~~has~~ himself has agreed ~~not~~
to ~~raise any objection what-~~ This Court may
~~soever to religious and other~~
~~processions of any community~~
~~passing~~ with music in front of the
~~temple with music~~.

Asst
Mun: Secy.

To
The Dy Comr, Mysore Dt
Revs Records